

**Ravalli County Planning Board
Meeting Minutes for June 7, 2006
7:00 p.m.**

Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

Public Hearing

Squires Estates (Ede) Major Subdivision
Sunnyside Orchards #4, Block 18, Lot 5C, AP (Wilton) Subsequent Minor Subdivision

Plat Evaluation

Aspen Springs (Wesmont) Major Subdivision and Eight Variance Requests

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Dan called the meeting to order at 7:03 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Dale Brown (present)
Ben Hillicoss (present)
Dan Huls (present)
JR Iman (present)
Frankie Laible (absent – excused)
Roger Linhart (present)
Chip Pigman (present)
Les Rutledge (present)
Lori Schallenberger (absent – excused)
Gary Zebrowski (absent – unexcused)

(B) Staff

Benjamin Howell
Karen Hughes
John Lavey
Renee Van Hoven
Jennifer De Groot
James McCubbin

3. Approval of Minutes

Dan asked if there were any corrections or additions to the minutes from May 17, 2006. There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Hearing**

(A) **Squires Estates (Ede) Major Subdivision**

- (i) Staff Report on the Subdivision Proposal: **Ben Howell** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended approval of the subdivision subject to 11 conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment B, Squires Estates Staff Report)

- (ii) Three Minute Rule Waivers

There were none.

- (iii) Public Comment on the Subdivision

- (a) Persons in Favor

Terry Nelson of Applebury Survey said he agreed with Staff's conditions and the Staff Report. He said he would answer any questions the Board had about the subdivision.

- (b) Persons Opposed

There were none.

- (c) Rebuttal

There was none.

- (d) Close: Public Comment

- (iv) Board Deliberation on the Subdivision Proposal

- (a) Board discussion and questions

Chip asked about Condition 6 of the Staff Report. He asked if the internal subdivision road condition should have said the road would be private in a public easement.

Renee said that Staff is not addressing maintenance and the Staff report is correct.

Les recommended a \$150 per unit school contribution.

Terry agreed to the contribution amount.

Les moved to approve the subdivision with a \$150 per lot contribution to the Lone Rock School District.

Roger seconded the motion.

Renee noted that there were two school districts that serve the property.

Terry said the Board could either require payment of \$75 to each school district or allow the buyers to choose which school district they would like to give to.

Les amended his motion for a \$75 per lot contribution to each school district.

(b) Board action

(1) Review of the Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision

The vote was called; the members voted (7-0) to approve the Subdivision. (See Attachment C, Squires Estates Vote Sheet)

(B) Sunnyside Orchards #4, Block 18, Lot 5C, AP (Wilton) Subsequent Minor Subdivision

(i) Staff Report on the Subdivision Proposal: **John Lavey** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended approval of the subdivision subject to 7 conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment D, Sunnyside Orchards #4, Block 18, Lot 5C, AP Staff Report)

(ii) Three Minute Rule Waiver Requests

There were none.

(iii) Public Comment on the Subdivision

(a) Persons in Favor

Terry Nelson of Applebury Survey went through the six subdivision review criteria for this subdivision. He noted that less than 10% of the parcel was prime agricultural land, and it was not a viable agricultural parcel to start with. He said that the subdivision was previously proposed and approved in 2000, but since sanitation review was done after subdivision approvals, three lots were not able to receive State Board of Health approval. He said the lots have since received DEQ approval. He said there is an irrigation pipeline along Leese Lane and there are currently risers present to serve each lot. He noted that BRID had approved the subdivision's proposed water use. He said the developer

proposed \$100 per lot school contribution since that was the going rate in 2000, but would pay \$75 to each school district per lot. He said there are good sight distances for driving and no real issues with the subdivision.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

Ben asked about the soil types on the property and noted that nearby lots were considered prime agricultural land.

Terry said that only small pieces of the parcel were considered prime agricultural land.

Dan asked whether the parcels will use a gravity flow irrigation system or a pump.

Terry said he did not know, but that BRID had approved the subdivision's water usage.

JR asked if the delivery system was owned by BRID and what other properties the delivery system serviced.

Terry said it accessed two parcels to the east and three to the west. He said the new parcels will probably hook into a BRID user group. He noted that BRID did not own the pipeline system.

JR asked if the new parcel owners would be in an ownership maintenance program for delivery services.

Terry said that a delivery system maintenance agreement was created with the first two parcels and that it can be amended to include the additional divisions.

James noted that an irrigation plan is not required because there are no water rights owned, but that a maintenance agreement could be required.

JR said that BRID does not require maintenance of delivery systems, so users need some type of agreement for delivery.

Dan discussed how water runs with the land.

Terry said that the water does run with the land, but that the rights belong to BRID.

Dan noted that the pipeline was part of a larger delivery system. He said they usually require user agreements and he wanted to satisfy that requirement.

Terry said the risers were created a few years ago to handle all the lots. He said he will make sure that the two lots to the west and the three newly created lots will be in the same irrigation pipeline agreement and that they will maintain it.

Roger motioned approval of the subdivision with two conditions: (1) Condition 5 of the Staff Report stipulate a \$75 contribution per lot to both school districts and (2) Applicant create an acceptable maintenance agreement for the five BRID lots.

Terry said that there is an existing maintenance agreement and that the parcel being subdivided is responsible for 60% of the costs. He noted that the irrigation agreement is a matter of record.

JR recommended a motion which would require a deed agreement for the new lots, not just a covenant. He said the new deed reference could refer to the older deed reference.

Chip asked why the developer could not amend the agreement to address three lots instead of one. He recommended that each lot be responsible for 33% of the maintenance.

James said the neighbors might not agree to the amendment. He said that Chip's recommendation to split the large parcel's obligation into thirds is the easiest solution.

JR seconded the motion.

Ben said he was concerned with the impact on agricultural land. He said he realized it had been divided before, but now the land is only large enough for a garden or a horse or two. He said he thought the Board was doing the wrong thing by subdividing prime agricultural land.

Dale said that there were also severe soils on the land.

Chip noted that the Staff Report only listed less than 10% of the land as prime agricultural land.

John said that the severe soils listed are prime agricultural land.

Terry said that high groundwater was the reason for the severe soil listing.

(b) Board Action

(1) Review of the Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision on the Subdivision Proposal

The vote was called; the members voted (5-2) to approve the Subdivision with conditions. (See Attachment E, Sunnyside Orchards #4, Block 18, Lot 5C, AP Vote Sheet)

8. **Close Public Hearing**

9. **Plat Evaluation**

(A) **Aspen Springs (Wesmont) Major Subdivision**

(i) Presentation by Nick Kaufman, WGM Group, Inc.

Nick Kaufman gave a PowerPoint presentation about the subdivision. He noted that many of the surrounding lots were divided into one-acre or five-acre parcels. He said that Aspen Springs uses smaller lots sizes in cluster development and the layout is based on Hidden Springs in Boise, ID. He said that some people in the County cannot afford the median home price and noted that home ownership is one of the foundations of the United States. He noted that 42% of the subdivision is open space. He discussed a community center with a possible café, mercantile, and fire station. He listed mitigations for school impacts and road usage. He listed the 8 variances for which Aspen Springs applied and explained why each was necessary.

(ii) Public Comment

Proponents: **Perry Ashby**, Wesmont Builders, said he is the founder of the Aspen Springs project. He said that he has traveled the United States and studied standards of good design. He noted that he created previous subdivisions in both Missoula and Ravalli Counties. He said that he tried to incorporate as much of the natural topography into the subdivision design, including keeping houses away from a natural drainage. He said the project provides diversity of housing, which will help incorporate all the people in the County who want a part of the American dream of home ownership.

Penny Howe said she lives nearby this subdivision and agrees with the housing diversity which will be offered. She said that the houses in Aspen Springs would keep the visual acuity of the County. She noted that it is hard for two working people to maintain one-acre tracts.

Opponents: **Steve Hall** said he is a homeowner in the Eight Mile area and the Co-Chairperson of the Florence Coalition Against Aspen Springs. He said he understands that growth should be sustainable, affordable, and placed close to existing infrastructure to put the burden of expense where it will least affect the

greatest number of homeowners. He said he had stacks of information and hundreds of people who are concerned about the subdivision. He asked for the Public Hearing to be held in Florence. He said that the Coalition hired a hydrologist to see if the area could sustain such heavy water usage. The hydrologist did not believe the water present is sufficient. He also noted that the County's Sheriff said he could not continue his present level of service. He said that the development should be on a smaller scale and closer to the infrastructure. He did not feel that a \$150 per lot school contribution addressed the fact that the Florence schools are at capacity. He said that there is no proposed mitigation to date for the intersection of Highway 93 and Eastside Highway. He recommended that the Board visit some of Perry's other developments like Canyon Creek Village. He said that the small, round rocks on the subdivision site and the ground stability would cause construction problems. He said he has concerns with the size of the development and that creating a development so far from infrastructure is just pouring money down a rat hole.

Karen indicated that Staff would like to have information as far in advance as possible so it could be provided to the Planning Board.

Steve Hall said he has information to provide but he did not have time to compile it because he did not know when the first Board meeting would be.

Paul Moore said he is a homeowner on Meadow View Drive. He said that he works for the Montana Department of Natural Resources and has served on the Florence School Board. He noted that he was not representing the DNRC. He said that because of the variance request to phase in the development, he will be 75 years old when construction on Aspen Springs is completed. He said the wind comes from the North to his property and would carry the noise. He recommended phasing of four to five years. He said that he looked at the wildlife report and saw that Montana Fish, Wildlife & Parks requested leaving open space for the winter range of elk and mule deer. He said there has been a reduction of mule deer in the area, but that a herd winters there. He said the Aspen Springs plan does not show mitigation for those issues.

Candi Jerke, Florence Coalition Against Aspen Springs, said that she works at the Department of Revenue and is a tax appraiser. She said she read the subdivision proposal and came up with two pages worth of questions to ask the developer. She said some of the variances are not necessary. She found the covenants different from most covenants in the fact that if the developer still owns one lot, he has control of the subdivision and can require the homeowners to pave roads or rebuild their water system. She said she did not feel that the subdivision fits in the Florence community and noted that she is concerned about impacts to the Florence school system. She said she likes the cluster development and acknowledged that the developer has good ideas, but noted he is basically creating an entire town. She asked what would happen to the development if the economy slumped and the phasing was not completed. She said the 22 phases were questionable and recommended turning the development into an incorporated town so it would have its own fire department, police department, and school system.

Bill Scullion, President of East Riverview Orchards Homeowner's Association, said he is an Eight Mile Resident. He said he already sent a letter to the Planning Department in opposition of the subdivision. He said that he suspects about 90% of

the people in the area are in opposition to it. He noted that the people who live in the Eight Mile area live there because Aspen Springs is not there.

(iii) Board Discussion and Questions

Les asked for clarification on the school enrollment situation. He noted that there was a discrepancy between the projected decrease in school enrollment and addition of students from Aspen Springs. He said the PowerPoint presentation had listed a one to three student addition to grades 5-12 per year and a decrease in Florence school enrollment.

Jim Sylvester said there is a projected decrease of three to five students per year per grade in Florence. He noted the PowerPoint slide had been incorrect.

In response to a request to figure out how to address audience questions, **James** said that the role of the public is not to quiz the developer, but to mention issues which should be addressed by the Board and the County Commissioners.

JR asked about reopening public comment. He said that Florence High School attendance has increased from 165 to 360 students in the last seven years. He noted that it will be a Class A school in three years, but the school does not have adequate facilities.

The Board discussed reopening of public comment and how the meeting should proceed.

Ben noted that Perry and Nick brought experts and the Board needs to take advantage of them. He said he is concerned with the magnitude they are trying to deal with and requested that those with comments list them.

Steve Hall said that the Florence Coalition had limited time to compile their information, but has information that will challenge what the developers presented. He said he wanted to keep the meeting short, but said there were thousands of people opposed to the subdivision. He also noted that the Florence School Board opposed the developer's statistics at the Impact Fee meeting.

Chip said that the Board needs to remain focused on addressing the six subdivision criteria and not get caught up in emotion.

Steve Hall recommended multiple meetings so information could be presented and heard by the Board.

Dan said that the next meeting could be unwieldy. He noted that he did not want to hear the same comments presented at both meetings.

Nick Kaufman volunteered that multiple neighborhood meetings were held in the previous year on Aspen Springs and that WGM and Wesmont were not trying to hide anything. He said they cannot address public concerns unless they are presented.

The Board discussed the best way to proceed with the meeting.

Ben recommended that each Board member present his major concerns and then let the developer reply. He began by listing his concerns with the subdivision. He noted that although he has visited the site three times, it was hard for him to figure out exactly where everything would be located. He recommended a site visit with experts so they could answer his questions. He was also concerned with the variances requested, specifically the phasing request. He noted that approving Aspen Springs would be like approving 32 subdivisions today spread over 30 years. He said that once Aspen Springs is approved it will not return to the Board. He said the road sections were difficult to understand. He said he felt he had not had enough time to adequately review the subdivision application and did not feel the Board would be ready for a judgment soon either. He said there are unresolved issues regarding school mitigation. He said there are also issues with the parks and Sheriff's services. He recommended that the Sheriff come speak at the next meeting. He said there was so much road information that he would like the Road Department supervisor to come and answer questions as well. He said he also had minor concerns, such as why flag lots were necessary.

The Board discussed the best way to proceed with the meeting and agreed to list all their questions first.

Chip asked how the phasing variance will affect the sanitation review.

Ryan Salisbury, WGM Group, said that the Board and the County Commissioners will review the preliminary plat now. He said that they are currently proposing two phases and 38 lots. He noted that only those lots have been submitted to DEQ and that each time new phases are proposed, they will reapply to DEQ so they will be subject to the most stringent sanitation rules. He said that cumulative effects and non-degradation for the entire subdivision will also be submitted to DEQ now.

Chip noted that is an astronomical risk for the developer to follow the most current DEQ regulations. He said he had not seen pro-rata assessments for Eight Mile to Eastside Highway and also from 93 on Eastside Highway. He noted that some of the Board's concerns were addressed in the economic impact report.

Les said some of his questions had already been asked, but he noted a need for more input from the Sheriff and other public health and safety officials. He noted that when people start moving in, the assurance of adequate emergency services will not be available. He noted that the emergency response time from Hamilton to Florence is 45 minutes to an hour. He also said that he is concerned with the seven large units built on the 25% grade because of their roads and fire department requirements. He said he had the same questions about pro-rata on Eastside and Eight Mile. He asked for clarification of where the open space would be and how much of it would be public, usable areas. He said he was confused about where runoff would go from the large detention pond. He said on one map, a trail goes around the periphery on the east side, but it is not listed on other maps. He wanted clarification of public accesses on the trail system. He said the developer's estimates of using 17.8% of groundwater flux seemed exceedingly low and he wanted to know how they came to that conclusion. He asked about the figures for pumping water levels and static water levels in the aquifer testing table and noted there was no explanation of those in the text. He also asked about the estimation of variation in the model of draw-down.

Dale said he was interested in the water situation and also asked about the rebuilding of the Bitterroot River Bridge. He noted there is currently a lot of traffic on the road.

Roger said that the first bridge will be rebuilt in 2008, but he said his question was about the other bridge.

JR said he had concerns about the development in general. He noted that there were four or five different housing categories and asked how much infrastructure had to be in place to start building houses in each category. He asked how the County, public, and homeowners could be assured that the infrastructure is completed. He asked why the developer was not considering three phases so that if the regulations change, the development could still continue. He noted a case in Stevensville where the developer wanted to change his plans based on housing demands. He asked about the bonding situation. He noted that even though the subdivision criteria do not address these issues, the Board has not had to review a proposal on a town before. He asked if 33 phases were necessary. He asked what would happen if the development was only half completed and it ran out of water.

Les noted that a homeowner's association would not be created until six months after the last lot had sold. He asked who would maintain the open space and control weeds in that interim period. He said when he looked at other similar developments, the multiple-use areas with shops and light commercial stores were not located in the busy entrance/exit area. He said the developer should set it back and make an attractive round area so it will be interesting.

Dan noted his concerns on the flag lots and asked if those could be removed. He said the bridge and stop light question in Florence would be a huge issue down the road and there is way to mitigate for it at this point. He asked if the bridge which would be replaced in 2008 would be big enough or would handle expansion at a later date. He also noted that water supply is a huge concern.

Chip asked where the gravel pit was.

Ryan Salisbury said that there are some gravel piles on a piece that Stan Hendrickson is selling to Ravalli County Electrical Co-op this summer. (He pointed to the spot on the Aspen Springs aerial map.)

Chip asked if it would be possible to flag the north corner of the property boundary to help those who want to visit the site.

Ben recommended opening up public comment to get more questions from the audience.

The Board agreed to reopen public comment.

Candi Jerke said she read the entire subdivision application and had two pages of questions and/or concerns. She said that in the application section which discussed the hydro pneumatic system and the sewer system, it was mentioned that someone private might have to maintain it. She asked in which phase fire hydrants would be built. She asked about different sized storm drainage pipes. She asked why detention ponds would be built to the proposed size if they would not handle an 100-

year storm event. She asked why the report did not mention the road sections from Eastside Highway to Highway 93. She said the road report was confusing and said that Eight Mile Road was called Woodchuck Road. She asked whether the County or developer would pay for the upgrade of Woodchuck Road to Eight Mile. She said that the covenants allowed 24-foot tall garages and the architectural guidelines should restrict that. She said she noticed four types of severe soils but said the map was confusing. She noted that the severe soils will make construction difficult. She asked if there were any more well logs than the four given to the DNRC. She discussed the water system design and said that the wells had a difficult time producing 862 gallons per minute. She said that in one section, the author used figures for half of a person, but in the school section, used only whole people. She said that the developer said that only 173 students were estimated to come from Aspen Springs, but that with 636 homes there should be 318 students. She also did not understand how only 207 married couples would be living in the subdivision. She asked if connection fees would have to be paid. She asked why the developer would ask for a state exception on the sanitary system. She asked the sight distance for the road/driveway approach and said that there is a bad curve there. She asked what types of lights would be used in the subdivision and requested lights which would shine down to limit light pollution. She asked if the developer had received a letter from Northwestern Energy outlining the different depths of the natural gas pipeline in the area. She said Northwestern Energy was concerned about construction of roads over the pipelines. She asked if Ravalli County Electric Co-operative agreed to a boundary line adjustment. She asked if the parks in the area would be playing fields or just open areas with benches. She said that the exit on Mountain View Road is narrow and said it could be a concern in adverse weather conditions.

Steve Hall said that the Florence Coalition hired a hydrologist to do a report on the area. (He distributed the report to the Board. See Attachment F, Groundwater Availability and Aquifer Testing of Aspen Springs Wells by Howard Newman, Hydrogeologist) He discussed a letter sent to the DEQ regarding water availability. He asked if the Montana Fish, Wildlife & Parks' recommendation to remove two phases because of the elk winter habitat had been met. He said there was a concern about creating an approach off Lower Woodchuck Road. He said that Hidden Springs was a multi-billion dollar development and that it would make him feel more comfortable if this subdivision was not contingent on the availability of funding.

Ben said that there are several major developments which will come soon to the Board, including the subdivision in Stevensville by the Wildlife Refuge and the ones off of Eight Mile. He asked the Board to think about cumulative effects and how phasing will affect it. He said if there are 1,400 more lots proposed in the Eight Mile area, the cumulative impact to that area would be huge. He asked for information about other proposals off Eight Mile Creek Road.

Chip asked Karen if cumulative effects fall within the review criteria. He said the Board cannot guess where things may occur.

Ben said he wants to look at the facts which exist and said the Board should look at cumulative impacts.

Karen said that Staff will look at the issue and see what they can offer the Board.

Perry Ashby said that he could provide non-scientific responses to some questions the Board posed. He said he would provide a tour on site, but asked to have advance notice of which professionals the Board wants present. He said that he has watched Hidden Springs and noted that it did take time for the subdivision to get off the ground, but it is very successful now. He also noted that the commercial center is at significant entrance of Hidden Springs. He said that the bridge and roundabout on Eastside Highway should be enhanced in 2008. He said that he has been in the building/development business for 29 years and that he has seen two recessions: in the early 1980s and early 1990s. He noted that developers have to anticipate the future. He said most municipalities allow phasing to see if a project is welcome, if there are sales, and to make determinations on simple economics. He said that this year is a transitional economic year and that he does not want to overdevelop more property, but develop as there is demand. He said right now he will create 38 lots to see how the economy goes and from there expand the infrastructure based on demand. He said that he could have created cul-de-sacs or roads instead of flag lots, but created them for diversity and creativity. He noted that some people like the setback from the road and some privacy. He said the covenants are just a proposal and that he wanted to retain a significant amount of voting shares to maintain his vision of the subdivision. He said that once the subdivision is at 75% build out, the homeowners have control. He said there will be very strict architectural guidelines for fences and outbuildings. He said homeowners who want to add them will have to go through an architectural control committee. He said he had numerous discussions with Mr. Edwards of the Florence School District and asked how much was commonly donated to the schools. He said that out of three sample subdivisions, one subdivision said it would not donate because it was for elderly citizens, and the other subdivisions gave an average of \$150 per lot. Mr. Edwards agreed with the \$150 per lot donation. He said in the interim, Senate Bill 185 was passed and an impact fee study was started. He said he met with Mr. McGee, the new Florence School Superintendent, and anticipates sitting down with him again once the Impact Fee study is completed to come up with an equitable contribution. He said that in the two years since he started planning the subdivision, the anticipated need for housing has changed, so the time for phasing has increased. He noted that he thinks it will take longer to build out based on economic demand.

Nick Kaufman said that he will pay attention to each of the concerns mentioned that evening. He noted that the Board had approved over 1,074 lots in the last four years. He asked if the Board would prefer to judge the impacts of a subdivision all at once or spread out in five, ten, or forty lot subdivisions. He said cumulative effects are important, but if 30 lots are built each year, that is only 10% of what the Board approves per year.

Les asked if the Board does go on a site visit, if the Board can realistically have all the information they need for the public hearing.

Ryan Salisbury said there had been many concerns about the Lower Woodchuck Road and Eight Mile Road. He said the developer is proposing to pay pro-rata on those roads. He said he is requesting a variance because the subdivision regulations state that the developer has to improve the roads all by himself. He noted that the proposal is to pay for 55-60% of usage on Eight Mile Creek Road and about 97% of usage on Lower Woodchuck Road. He said that they will build the

gravel portion of Lower Woodchuck Road to County standards. He asked the Board if they would consider the variance.

Ben said that if the number of 2,000 new lots in the area is correct, then he would say that Aspen Springs would only need to pay about a third of the total pro-rata and they might end up paying more than their fair share. He said that the Board has to approve that amount and live with that number for 20 years regardless of other subdivisions which are developed. He said that the issue is different from the normal regulations relative to cumulative impacts on pro-rata share.

James said that Staff is in the process of drafting proposed amendments to the subdivision regulations which would provide for mandatory latecomer agreements to reimburse developers who paid for roads.

Ben said that although DEQ will approve the various phases, the Board will only see the proposal one time. He remarked that the Board has to make judgments on all 20 years.

Les said that is not necessarily true, since one variance has to do with phasing.

Ben said that if the Board disagrees or denies the variance, a lot of the assumptions are not valid. He recommended that the Board discuss the variance.

Chip said that Ryan was trying to get a feel of the Board regarding the road variance. He said that the developers cannot anticipate future subdivisions, but they base the pro-rata off traffic counts.

Ben said that they have dealt with the issue on a smaller scale, but that it is a problem with the current subdivision regulations.

Chip said that the Board has three options on the pro-rata variance: they can deny it, they can grant it, or they can require payment now and require latecomer's agreements with future developers. He noted that the Board has to decide if they are comfortable with the variance or not.

James said the Board should consider if they feel comfortable with the variance in light of the variance criteria.

JR said that the roads will not feel a large impact by the first 30 houses. He recommended that the Board review the first five phases and assess pro-rata for each five phases thereafter. He said he believed the County will be in a legal fight over the impact a private individual has to pay over something which is not completed yet. He said if he was in the developer's shoes, he would just build a road from Lower Woodchuck to Eastside Highway and be done with it. He said that if the County continues to use grader districts, the money could be spent anywhere in that district. He said it did not make sense to require payment of 65% of the road before the first house was built.

Chip said it seemed reasonable to him for the developer to pay pro-rata by phases.

Dan said that his problem with pro-rata is that the County does not have to use the money on that specific road and the Board has no control over that process. He said

he does have a problem with the pro-rata proposal because it could be years before the road is upgraded.

JR said that developers building closer to state highways are at an advantage. He said he believed the County will be sued over pro-rata and they will lose.

Ben said he would like a site visit and asked if the Road Supervisor and some Park Board members could attend. He said there are numerous road and park issues that he would like addressed.

Perry said that he would be having a meeting with the Park Board on June 14.

Dan noted that coordinating a site visit might prove difficult.

James recommended that the Board have a quorum if they visit the site and said they should advertise it as a public meeting and list the starting location. He noted that if it is a public meeting, then the public should have a period to comment and the public should also be able to hear Board comments. He said that there could be logistical issues if they went on a windy day.

Dan said that raises concerns with him because there could potentially be 100-200 people trying to hear the Board as they walk around.

Steve Hall said that going onsite would be a good idea and then the Board could finish their meeting over at the school. He noted that he has large concerns with the large water volume that the subdivision will consume. He asked what would happen to the extra water rights if the subdivision receives water rights in the next few months but only completes five phases. He said that some people in the area have struggled just to keep their properties, much less deal with water shortages.

Les said he was turned off by the site visit.

Ben said the visit could be feasible and suggested using a portable PA system or bullhorn.

Roger remarked that the Board would have a problem if the public said they could not hear their comments.

Chip said that if Board members commit an hour or two to visiting the property, they should not get lost.

Nick Kaufman suggested that he could stake centerlines of roads so that the Board could visit individually.

Perry offered to create a video virtual outdoor tour and email it to the Board.

Dan said that he preferred staking and individual tours.

Chip asked for perimeter and main road staking.

Ben wanted to know where the open spaces were and noted that it was hard to look at the application and go to the property and correctly identify the areas. He

recommended staking a few major streets. He said he preferred to visit with someone who could point out items to him.

The Board discussed staking options.

Nick Kaufman said that they could stake areas and prepare a color-coded airphoto base map to show what was staked. He said the area would be staked in one week.

Chip asked that if the Board entertains the variance for pro-rata, could they condition the use of the pro-rata money to be used on those roads based on public health and safety.

James said that conditions apply to the applicant, not the County.

Karen said that the pro-rata is proposed as mitigation, which is different from the pro-rata which is required in the regulations.

Dan noted that if the Board had control of the County's roads, then the variance would be workable, but the Board does not have that control at the present time.

(The Board took a five minute break.)

10. **Communications from Staff**

Karen invited the Board to attend three meetings in the area. A Corvallis Planning Meeting will be held on June 19 at 7:30 p.m. at the Corvallis High School. She noted the purpose of that meeting is to discuss the possibility of a neighborhood plan. She said a special Planning Board meeting will be held on June 28 at 7:00 p.m. to accommodate a subdivision which would not fit in another meeting due to Aspen Springs. She also invited the Board to attend a workshop by Paul Tischler of TischlerBise. She noted that the Board was emailed an invitation to attend meetings throughout the valley regarding formation of a Water Quality District. She said the Land Use Subcommittee of the Planning Board received permission from the County Commissioners to start working on countywide zoning, focusing on density. She noted that they have a month until they check in again with the County Commissioners.

11. **Communications from Public**

There were none.

12. **Communications from Board**

Chip said it was unfair to think that the development team could come and educate the public on Aspen Springs in one meeting.

Ben said he was concerned with fairness. He thought that there could have been a way to hold a Board meeting on the Aspen Springs site. He felt that his proposal was cut-off. He said that recently when the Board discusses items, someone calls for a vote and ends the discussion. He said that one person should not have the ability to cut off debate.

James said that the Board does not have to follow Robert's rules strictly. He said he does not feel Dan is trying to cut Ben off. He noted that "meaningful" discussion should occur, but the Board cannot discuss items all night.

JR said that sometimes the Board does not get motions on the floor. He suggested that the Chair just make a motion so it will define the discussion. He said the Board should be solution-oriented and not discussion-oriented.

James said another thing to keep in focus is the subdivision and variance review criteria.

Chip said that he does not want to move the next Aspen Springs meeting to a remote location.

Ben asked if the Board approves Aspen Springs if it would be for the whole proposal, even if it takes 40 years.

James said yes, and that the phasing variance needs to be decided.

Les said that public comments should be submitted to Board in writing.

James said that the Board should not discuss credibility of witnesses, although it can be a factor in evaluating evidence.

Chip said one of the weaknesses of the current system is that although the developers submit a long list of information to meet criteria, members of the public can shoot off potshots up until the last minute when the subdivision is decided.

Karen said that Staff advises members of the public to submit information to the Board in writing as early as possible.

Ben asked when the Aspen Springs Staff Report would be completed.

Renee said it would be completed a week before the hearing.

Roger noted that only gives the Board a few days to review it.

Karen said that Staff has many subdivisions in the works and she knows that lawsuits are floating around, but Staff has limited time.

James asked how much time after the hearing the Board could make a decision. He said that if the Board did not have to make the decision that night, they could make it at an additional meeting.

Les recommended an additional meeting.

Karen said that the Board would need to make a decision by August 2 in order to have time to approve the minutes to provide time for the County Commissioner meeting by the end of August.

The Board discussed how long the public comment time should last at the next Public Hearing.

James recommended limiting each person's speaking time to one minute and having the public form a line.

JR asked what would happen if he went to get independent information on a subdivision and also asked for the definition of "outside information."

James said that he has asked George Corn how involved Board members can be in the community and said that George is investigating it. He said that although the Board is advisory, they must use a legal process to gather a record of information to present to the Commissioners.

JR noted that his son works for WGM, although he is not working on the Aspen Springs project.

James suggested that JR disclose that information at the public hearing. He also recommended that the Board members not have ex parte conversations so there are no issues. He recommended that if someone has good insight, Board members should encourage that person to come and present that information to the entire Board at a public hearing.

Dale noted that he dug an irrigation ditch for Perry Ashby.

James said Dale should disclose that information as well.

The Board discussed which County Department heads should be invited at the next meeting. They agreed on the County's Road Supervisor, Sheriff Hoffman, and the Florence-Carlton School District Superintendent.

13. New Business

There was none.

14. Old Business

There was none.

15. Next Regularly Scheduled Meeting: June 21, 2006 at 3:00 p.m.

- (A) Roaring Lion Estates (Anderson) Minor and Three Variance Requests – Public Hearing
- (B) Gunshy Ridge III (Bitterroot Valley Development) Major and One Variance Request – Plat Evaluation

16. Adjournment

Dan adjourned the meeting at 10:49 p.m.

